

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WANDA CASSELBERRY, on
behalf of herself and all Washington
residents similarly situated,

Plaintiff,

v.

BAY VIEW LAW GROUP, PC, a
California professional corporation;
JEDEDIAH N. THURKETTLE,
individually; EFA PROCESSING
L.P., a Texas limited partnership;
and JOHN AND JANE DOES 1-20,

Defendants.

No. CV-11-0395-RHW

**ORDER GRANTING MOTION
TO VACATE; STRIKING
AMENDED COMPLAINT**

On February 29, 2012, the Plaintiff moved for leave to amend her class action complaint. Shortly thereafter, Defendants Bay View and Thurkettle responded that they had no objection to the amendment. The Court granted the motion on March 6, 2012, prior to the exhaustion of Defendant EFA Processing's responsive period.

EFA now moves to vacate this Court's order granting the motion to amend. Defense counsel argues that amendment is futile and seeks additional time to consult with Plaintiff's counsel. Upon hearing the matter without oral argument on an

ORDER TO VACATE; STRIKE * 1

1 expedited basis, the Court finds good cause to grant the motion, vacate its prior order,
2 and strike the amended complaint.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Defendant EFA Processing's Motion to Vacate (ECF No. 35) is
5 **GRANTED**. This Court's Order Granting Leave to Amend (ECF No. 30) is
6 **VACATED**.

7 2. The Plaintiff's First Amended Complaint (ECF No. 31) is **STRICKEN**.
8 Defendant Thurkettle and any other party who has not done so shall respond to the
9 Plaintiff's original Complaint on or before **March 30, 2012**.

10 3. Defendant EFA Processing's Motion to Expedite (ECF No. 32) is
11 **GRANTED**.

12 **IT IS SO ORDERED**. The District Court Executive is directed to enter this
13 Order and forward copies to counsel.

14 **DATED** this 16th day of March, 2012.

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16 *s/Robert H. Whaley*
17 **ROBERT H. WHALEY**
18 United States District Judge
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